

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 477
Committee Substitute Favorable 4/13/21

Short Title: Temporary Event Venues.

(Public)

Sponsors:

Referred to:

April 1, 2021

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE A LOCAL GOVERNMENT TO PERMIT TEMPORARY EVENT
VENUES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-915.1. Temporary event venues authorized.

(a) A local government may, by ordinance, establish a process to permit temporary event venues as provided in this section. A temporary event shall be one lasting no longer than 72 hours.

(b) As used in this section, the following definitions apply:

(1) Temporary event venue. – An existing publicly or privately owned building or structure suitable for use as a site for public or private events relating to entertainment, education, marketing, meetings, sales, trade shows, and any other activities or occasions that the local government may, by ordinance, authorize.

(2) Local government. – A municipality with a population of 100,000 or more according to the most recent decennial federal census.

(c) A local government may consider a temporary event venue as a permitted accessory use in any of its zoning districts. Enactment of a temporary event venue ordinance and issuance of a temporary event permit under this section shall not be considered a zoning map amendment under this Article.

(d) Only one temporary event venue shall be allowed on a lot or parcel of land. The temporary event venue permitted under this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as otherwise provided in this section. Except as provided in subsection (h) of this section, for each temporary event venue issued a permit under this section, no more than 24 temporary events may be conducted in a calendar year.

(e) An ordinance authorizing temporary event venues shall set forth the following:

(1) The zoning districts within which a temporary event venue may lie.

(2) The process a person seeking a temporary event venue permit, or its renewal, must follow.

(3) The specific criteria to be considered by the local government when determining whether to issue a temporary event venue permit. The criteria shall include the character of the district in which the permit is sought and the site's suitability for use as a temporary event venue.



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- (4) The temporary events, not inconsistent with subdivision (b)(1) of this section, authorized in the venue.
- (5) The duration of the temporary event venue permit.
- (6) Any capacity limitations of the temporary event venue.
- (7) The fee structure for the fees authorized by this section.
- (8) Any other relevant matters.

(f) Any person proposing to operate a temporary event venue shall first obtain a permit from the local government. The issuance of a temporary event venue permit shall not be considered a quasi-judicial act. The local government may charge a fee of up to one hundred dollars (\$100.00) for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). Before issuing or renewing a temporary event venue permit, a local government shall conduct an inspection of the proposed temporary event venue to ensure that the health, safety, and welfare of the public will not be impaired by attendance at or participation in a temporary event. The inspection shall address the general structural stability of the temporary event venue, its fire safety, and whether it has sufficient toilet facilities taking into consideration its capacity.

(g) Subject to the provisions of this subsection, a local government may require the permit applicant to take reasonable measures to address any safety or public health concerns raised by the inspection conducted under subsection (f) of this section. No permit shall be required under the North Carolina State Building Code or any local variant approved under G.S. 143-138(e) for any construction, installation, repair, replacement, or alteration of a temporary event venue either required by the local government as a result of the inspection conducted under subsection (f) of this section or undertaken by the permittee to otherwise improve the temporary event venue. A local government may require use of temporary toilet facilities at temporary events. Nothing in this section shall be construed to exempt a temporary event venue from compliance with federal laws, rules, or regulations.

(h) Nothing shall preclude a permittee operating under a temporary event venue permit from seeking a rezoning of the parcel to a zoning district that would allow a permitted use of the venue for events of the type authorized by a temporary event permit. Any such rezoning application would be subject to the requirements of this Article. If a rezoning application is submitted in good faith, a local government may authorize the temporary event venue to hold more than 24 temporary events in one calendar year while the rezoning is pending. If the temporary event venue is rezoned, the temporary event venue permit shall become void and the venue shall operate under all rules, regulations, and requirements of law, including the North Carolina State Building Code, any local variant under G.S. 143-138(e), and local government ordinances."

SECTION 2 G.S. 143-138 reads as rewritten:

"§ 143-138. North Carolina State Building Code.

...

(b21) Exclusion for Temporary Event Venues. – No permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration of a temporary event venue issued a temporary event venue permit under G.S. 160D-915.1.

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SECTION 3. This act becomes effective October 1, 2021.